

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

SPONGETECH DELIVERY SYSTEMS, INC.,
RM ENTERPRISES INTERNATIONAL, INC.,
STEVEN Y. MOSKOWITZ, MICHAEL E.
METTER, GEORGE SPERANZA, JOEL
PENSLEY, and JACK HALPERIN,

Defendants.

Civil Action
No. 10-CV-2031 (DLI)

Date of Service:
May 14, 2010

**NOTICE OF PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S
MOTION FOR PRELIMINARY INJUNCTION, ASSET FREEZE, AND OTHER
RELIEF**

To:

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Counsel for Joel Pensley

PLEASE TAKE NOTICE that upon the annexed memorandum of law, declarations, and exhibits annexed thereto, Plaintiff, the Securities and Exchange Commission (the "SEC"), will move this Court before the Honorable Dora L. Irizarry at the United States District Court for the Eastern District of New York, for a Preliminary Injunction, an Order Freezing Assets, and Granting Other Relief, pursuant to Rule 65 of the Federal Rules of Civil Procedure, Section 20(b) of the Securities Act of 1933 ("Securities Act") and Sections 21(d) & (e) of the Securities Exchange Act of 1934 ("Exchange Act") against Defendants Spongetech Delivery Systems, Inc. ("Spongetech"); Michael Metter ("Metter"); Steven Moskowitz ("Moskowitz"); RM Enterprises International, Inc. ("RM Enterprises"); George Speranza ("Speranza"); Joel Pensley ("Pensley"); and Jack Halperin ("Halperin"). The SEC will move this Court for an Order:

- a) preliminarily enjoining Defendant Spongetech from violating Sections 5(a), 5(c) and 17(a) of the Securities Act [15 U.S.C. §§ 77e(a), 77e(c) & 77q(a)] and Sections 10(b), 13(a), 13(b)(2)(A), 13(b)(2)(B), and 15(d) of the Exchange Act [15 U.S.C. §§ 78j(b),

78m(a), 78m(b)(2)(A), 78m(b)(2)(B)], and 78o(d), and Exchange Act Rules 10b-5, 12b-20, 13a-13 and 15d-1, 15d-11, and 15d-13 [17 C.F.R. §§ 240.10b-5, 12b-20, 13a-1 & 13a-13, 15d-1, 15d-11, and 15d-13];

- b) preliminarily enjoining Defendant RM Enterprises from violating Sections 5(a), 5(c), and 17(a) of the Securities Act [15 U.S.C. §§ 77e(a), 77e(c) & 77q(a)], Section 10(b) of the Exchange Act [15 U.S.C. § 78j(b)] and Exchange Act Rule 10b-5 [17 C.F.R. § 240.10b-5];
- c) preliminarily enjoining Defendant Steven Moskowitz from violating Sections 5(a), 5(c), and 17(a) of the Securities Act, Sections 10(b) and 13(b)(5) of the Exchange Act, Exchange Act Rules 10b-5, 13b2-1, 13b2-2, and 15d-14, and Section 304 of the Sarbanes-Oxley Act of 2002, from aiding and abetting violations of Sections 13(a), 13(b)(2)(A), 13(b)(2)(B), and 15(d) of the Exchange Act and Exchange Act Rules 12b-20, 13a-13, 15d-1, 15d-11, and 15d-13;
- d) preliminarily enjoining Defendant Michael Metter from violating Sections 5(a), 5(c), and 17(a) of the Securities Act, Sections 10(b) and 13(b)(5) of the Exchange Act, Exchange Act Rules 10b-5, 13b2-1, 13b2-2, and 15d-14, and Section 304 of the Sarbanes-Oxley Act of 2002, from aiding and abetting violations of Sections 13(a), 13(b)(2)(A), 13(b)(2)(B), and 15(d) of the Exchange Act

and Exchange Act Rules 12b-20, 13a-13, 15d-1, 15d-11, and 15d-13;

- e) preliminarily enjoining Defendant George Speranza from violating Section 10(b) of the Exchange Act and Exchange Act Rule 10b-5, and from aiding and abetting violations of Sections 10(b) of the Exchange Act and Exchange Act Rule 10b-5;
- f) preliminarily enjoining Defendants Joel Pensley and Jack Halperin from violating Sections 5(a), 5(c), and 17(a) of the Securities Act, Section 10(b) of the Exchange Act, and Exchange Act Rule 10b-5;
- g) that Defendants Spongetech, RM Enterprises, Metter, Moskowitz, Speranza, Pensley, and Halperin provide an accounting of monies and shares of Spongetech stock that they received and the disposition of such monies and stock;
- h) prohibiting Defendants Spongetech, RM Enterprises, Metter, Moskowitz, Speranza, Pensley, and Halperin from altering or destroying documents;
- i) prohibiting Defendant Metter, Moskowitz, Speranza, Pensley, and Halperin from engaging in any offering of penny stock pursuant to Securities Act Section 20(g) [15 U.S.C. § 77t(g)] and Exchange Act Section 21(d)(6) [15 U.S.C. § 78u(d)(6)];
- j) preliminarily freezing the assets of Defendants Spongetech, RM Enterprises, Metter, and Moskowitz to retain such assets for distributions to the victims of the scheme;

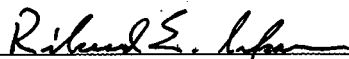
- k) preliminarily barring Defendants Pensley and Halperin from providing professional services to any person or entity in connection with the offer or sale of securities, including but not limited to, participating in the preparation or issuance of any attorney opinion letter related to such offerings; and
- l) granting such other relief as this Court may deem just and proper.

The grounds supporting this Motion are fully set forth in the accompanying documents, including the supporting Memorandum; the Commission's Complaint; and all Declarations and Exhibits attached thereto or referenced therein.

A proposed order is being filed with this Motion.

Respectfully submitted,

Dated: May 14, 2010



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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2010, the foregoing Motion for a Preliminary Injunction, an Order Freezing Assets, and Granting Other Relief was filed electronically with the Clerk of the Court and served by overnight mail in accordance with the Federal Rules of Civil Procedure, and the Local Rules of the United States District Court for the Eastern District of New York, upon the following parties and participants:

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